

111TH CONGRESS
2D SESSION

S. 3987

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 1, 2010

Referred to the Committee on Financial Services

AN ACT

To amend the Fair Credit Reporting Act with respect to
the applicability of identity theft guidelines to creditors.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Red Flag Program
3 Clarification Act of 2010”.

4 **SEC. 2. SCOPE OF CERTAIN CREDITOR REQUIREMENTS.**

5 (a) AMENDMENT TO FCRA.—Section 615(e) of the
6 Fair Credit Reporting Act (15 U.S.C. 1681m(e)) is
7 amended by adding at the end the following:

8 “(4) DEFINITIONS.—As used in this subsection,
9 the term ‘creditor’—

10 “(A) means a creditor, as defined in sec-
11 tion 702 of the Equal Credit Opportunity Act
12 (15 U.S.C. 1691a), that regularly and in the
13 ordinary course of business—

14 “(i) obtains or uses consumer reports,
15 directly or indirectly, in connection with a
16 credit transaction;

17 “(ii) furnishes information to con-
18 sumer reporting agencies, as described in
19 section 623, in connection with a credit
20 transaction; or

21 “(iii) advances funds to or on behalf
22 of a person, based on an obligation of the
23 person to repay the funds or repayable
24 from specific property pledged by or on be-
25 half of the person;

1 “(B) does not include a creditor described
2 in subparagraph (A)(iii) that advances funds on
3 behalf of a person for expenses incidental to a
4 service provided by the creditor to that person;
5 and

6 “(C) includes any other type of creditor, as
7 defined in that section 702, as the agency de-
8 scribed in paragraph (1) having authority over
9 that creditor may determine appropriate by rule
10 promulgated by that agency, based on a deter-
11 mination that such creditor offers or maintains
12 accounts that are subject to a reasonably fore-
13 seeable risk of identity theft.”.

14 (b) EFFECTIVE DATE.—The amendment made by
15 this section shall become effective on the date of enact-
16 ment of this Act.

Passed the Senate November 30, 2010.

Attest: NANCY ERICKSON,
Secretary.